

New Joint Application Form

New York State and the United States Army Corps of Engineers have revised the application form used for seeking permits and determinations for activities affecting streams, waterways, waterbodies, wetlands, coastal areas and sources of water supply. In addition to changes in format, the procedures for filing applications have also been changed.

The new “Joint Application Form” provides expanded instructions for completion of the form and identifies required supporting information such as plans, maps, photographs and supplemental applications for certain categories of activities. It also contains website addresses for each agency that can be used to contact the agencies, obtain additional information and access the Joint Application Form and other associated forms on-line.

Applicants must now directly file their application with each involved agency based on agency jurisdictions. The appropriate filing location can be determined by referring to the form’s instructions which identify the geographic area covered by each agency office. Applicants can no longer apply to a single agency and rely upon that agency to forward the application to other involved agencies. This change in procedure will insure that each involved agency receives the application in a timely manner and that reviews can begin without delays due to the interchange of application materials among agencies. This is an important consideration as applicants must receive all required approvals and determinations from all involved agencies before proceeding with their project.

The State agencies utilizing the Joint Application Form are the Department of Environmental Conservation (DEC), the Office of General Services (OGS) and the Department of State (DOS).

For the DEC, the application is used to seek approval for: activities in protected streams and navigable waters, including excavations and fills and placement of structures such as bulkhead, docks, boathouses and platforms; the construction and repair of dams; activities in freshwater and tidal wetlands including wetland adjacent areas; activities in coastal erosion hazard areas; activities in Wild, Scenic and Recreational River corridors; the taking and distribution of a potable water supply; establishing wells on Long Island; and pesticide use to control aquatic vegetation, aquatic insects and fish. For DEC, the new Joint Application Form includes a new form, Permission to Inspect Property.

For the OGS, the application is used for seeking an easement or permit to undertake activities affecting NYS owned underwater lands. Covered activities include: utility easements for pipelines, conduits and cables; and structure placement, including docks, moorings, boathouses and platforms.

For the DOS, the application is used for determining Coastal Consistency Concurrence for activities in or affecting the NYS Coastal Zone. Activities requiring US Army Corps of Engineers permits or approvals must be determined to be consistent with the policies of the NYS Coastal Management Program and with State approved Local Waterfront Revitalization Programs before the Corps permit can be approved.

For the US Army Corps of Engineers, the application is used to seek approval for activities affecting the Waters of the United States, including navigable waters and their tributaries, and associated wetlands under Section 404 of the Clean Water Act, and navigable waters, including ocean waters, under Section 10 of the Rivers and Harbors Act. Activities requiring a permit include, but are not limited to: placement and construction of structures such as piers, breakwaters, bulkheads and jetties; dredging and other excavations; and all types of fills and other alterations to waters and wetlands.

The new Joint Application Form can be found at the following DEC webpage:
<http://www.dec.ny.gov/permits/6222.html#joint>.

Questions regarding the use of the Joint Application Form may be directed to the agency office covering the area in which a proposed project is to be located.